



DEPARTMENT OF PERSONNEL

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MEMO PERD #07/03

February 19, 2003

TO Department Directors
Division Administrators

FROM Jeanne Greene, Director
Department of Personnel

SUBJECT: PERSONNEL COMMISSION MEETING MINUTES

Attached are the minutes from the January 10, 2003, Personnel Commission meeting. These minutes have not been approved and are subject to revision at the next meeting of the Personnel Commission on June 27, 2003.

JG:cp

cc: Agency Personnel Liaisons
Agency Personnel Representatives

**PERSONNEL COMMISSION
MEETING MINUTES OF JANUARY 10, 2003**

**MEMO PERD #07/03
February 19, 2003**

Call to Order

Chairman Claudette Enus called the meeting to order at 9:30 a.m., January 10, 2003, at the Department of Transportation, 123 E. Washington, Las Vegas, which was video-conferenced to the Department of Transportation, 1263 S. Stewart, Carson City, Nevada. Members present: Chairman Claudette Enus and Commissioners David Read and Patrick Horgan. Member not present: Jim Skaggs. Also present were: Jeanne Greene, and Carol Thomas from the Department of Personnel, and Sr. Deputy Attorney General Jim Spencer.

II. *Adoption of Agenda

Commissioner Read's motion to adopt the agenda was seconded by Commissioner Horgan and unanimously carried.

III. *Adoption of Minutes of the Previous Meeting

The minutes of the October 14, 2002, meeting were approved by acclamation.

IV *Regulation Changes to Nevada Administrative Code, Chapter 284

Shelley Blotter, Personnel Analyst, Department of Personnel, gave the Commission a brief explanation of the proposed regulation changes.

Sec. 1 - "Reviewing Officer" defined.

This amendment, proposed by the Department of Personnel, adds a new section to the regulations defining the term "Reviewing Officer."

Commissioner Read's motion to approve Section 1 was seconded by Commissioner Horgan and unanimously carried.

Sec. 2 - NAC 284.073 "Occupational study" defined.

This amendment, proposed by the Department of Personnel, broadens the definition of occupational study.

Commissioner Horgan's motion to approve Section 2 was seconded by Commissioner Read and unanimously carried.

Sec. 3 - NAC 284.126 Creation of new class, reclassification of position or reallocation of existing class.

This amendment, proposed by the Department of Personnel, allows the Department to implement occupational studies once approved by the Personnel Commission, except for those changes that would result in a fiscal cost. The creation of a class or reallocation of a class that would result in a fiscal cost must be approved by the Personnel Commission and the funding must be provided by the legislature in the biennial operating budget.

Commissioner Read's motion to approve Section 3 was seconded by Commissioner Horgan and unanimously carried.

Sec. 4 - NAC 284.206 Special adjustments to pay.

This amendment, proposed by the Department of Personnel, would allow an appointing authority to continue paying an employee a special adjustment for working out of class when the duties and responsibilities have been assumed from a position or positions that have not been authorized to be filled due to a hiring freeze or fiscal emergency.

Commissioner Horgan's motion to approve Section 4 was seconded by Commissioner Read and unanimously carried.

Sec. 5 - NAC 284.228 Shift trading: Agreement; responsibilities.

This amendment, proposed by the Department of Personnel, clarifies that an employee's leave or pay may be reduced if he no longer is eligible to complete a shift trade agreement.

Commissioner Read's motion to approve Section 5 was seconded by Commissioner Horgan and unanimously carried.

Sec. 6 - NAC 284.284 Longevity pay: Return to state

This amendment, proposed by the Department of Personnel, removes the full-time equivalency requirement for longevity pay increases when an employee returns to State service.

Commissioner Horgan's motion to approve Section 6 was seconded by Commissioner Read and unanimously carried.

Sec. 7 - NAC 284.468 Standards for performance of work.

The change proposed in Subsection 1 by the Department of Personnel revises the definition of a "standard for the performance of work" to incorporate the term job elements, as defined in subsection 6.

Subsection 2 of the section is amended to provide clarity that the supervisor is responsible for establishing the initial standards for an employee.

Subsection 3 of this section has been added to clarify that the appointing authority has final approval of work performance standards.

Commissioner Read's motion to approve Section 7 was seconded by Commissioner Horgan and unanimously carried.

Sec. 8 - NAC 284.470 Preparation and discussion of reports; request for review.

The change proposed in Subsection 4 by the Department of Personnel clarifies that an overall rating of performance that is substandard requires an additional report of performance of the employee at least every 90 days until the performance improves to standard or until disciplinary action is taken.

The proposed amendment in Subsection 6 clarifies that an employee must sign the report on performance within 10 working days following discussion with his supervisor or 10 working days of receipt if the evaluation is mailed.

Commissioner Horgan's motion to approve Section 8 was seconded by Commissioner Read and unanimously carried.

Sec. 9 - NAC 284.589 Administrative leave with pay.

This amendment, proposed by the Department of Personnel, allows an appointing authority to place an employee on administrative leave to relieve him of his duties until the appointing authority receives the results of an examination concerning the employee's ability to perform the essential functions of his position or to temporarily remove him from the work environment when he has committed an act of violence or threatened to commit an act of violence.

Commissioner Read's motion to approve Section 9 was seconded by Commissioner Horgan and unanimously carried.

V *Approval of Proposed Class Specifications

Mary Day, Supervisory Personnel Analyst, Department of Personnel, explained the Department developed the ESD Business Process Analyst series as directed by the Commission at their meeting on October 14, 2002. As a result, the ESD Program Specialist series was revised to establish clear distinctions between the duties described for business analysis and program staff support.

Ms. Day explained the Social Worker series was also revised, as directed by the Commission at their October meeting, to recognize a one-grade differential for positions performing child protective services, foster care and adoptions.

A ESD Program Specialist series

Commissioner Horgan's motion to approve the series was seconded by Commissioner Read and unanimously carried.

B ESD Business Process Analyst series

Commissioner Horgan's motion to approve the series was seconded by Commissioner Read and unanimously carried.

C. Social Worker series

Commissioner Horgan's motion to approve the series was seconded by Commissioner Read and unanimously carried.

VI *Classification Appeal

Mary Mallison, Social Services Program Specialist III
Department of Human Resources, Welfare Division

Mary Mallison explained her position had more responsibility than other Social Services Program Specialist III's in her Division, as follows:

Administrative responsibility for the Child Support Enforcement Program (IV-D);

- Manages IV-D inter-local agreements with district attorney offices;
- Assists in forecasting IV-D budget;
- Develops policy and procedures for IV-D; and
- Supervises quality control staff auditing IV-D offices and writes reports.

Ms. Mallison also stated the Welfare Division restructured two positions and promoted a co-worker to grade 39 without allowing for any competition, which she felt was unfair.

Alys Dobel, Personnel Analyst, Department of Personnel, explained Ms. Mallison's appeal requested a new level, Social Services Program Specialist IV, grade 39. Ms. Dobel gave examples of duties performed by Social Services Program Specialists and stated positions at the III level were assigned the largest, most complex, and multi-faceted programs. Ms. Dobel stated the Department could not identify higher functioning positions to justify a fourth level in the series.

Ms. Dobel stated comparisons of Ms. Mallison's position were made to others allocated to Social Services Manager III, grade 39; Social Services Chief I, grade 38; and Social Services Program Specialist III, grade 37. The results showed her position to be most comparable to other Social Services Program Specialist III's. Ms. Dobel asked the Commission to deny the appeal.

Ms. Mallison stated there was something wrong with the system to not allow for competition.

Chairman Enus asked for an explanation of the selection process.

Carol Thomas, Chief, Department of Personnel, explained that management restructured the division and reassigned duties. The Department of Personnel then prospectively allocated the positions based on duties that would be in effect as of July 1, 2003.

Chairman Enus was unsure about the Commission's authority to rule on the selection process and asked for direction from counsel or the Director.

Jeanne Greene, Director, Department of Personnel, explained the role of the Personnel Commission is to look at the duties and responsibilities of positions; management has the discretion to reorganize and reassign duties. Ms. Greene stated if employees are unhappy with a management decision, there is a grievance process.

Ms. Mallison stated she was told she didn't have grievance rights.

Kathi Sinclair, Personnel Officer, Welfare Division, explained how the reorganization of the Support Enforcement unit came about.

Commissioner Read stated he had sympathy for Ms. Mallison; however, if they granted her appeal, they would create more problems and undo the reorganization the Welfare Division wished to make.

Jim Spencer, Sr. Deputy Attorney General, explained this was not a promotion and, therefore, was not open to competition. He advised the Commission to focus on the comparison of duties and avoid discussion of competition and promotion.

Ms. Sinclair explained she advised Ms. Mallison that she didn't feel the issue was grievable because the Employee-Management Committee (EMC) did not have the authority to direct how agencies assign duties to positions.

Mr. Spencer stated Ms. Sinclair was probably correct in that the EMC would have been the wrong forum for Ms. Mallison. It was management's prerogative to assign duties as they saw fit.

Chairman Enus thanked Mr. Spencer for his guidance and felt they had heard enough to make a decision.

Commissioner Read's motion to deny the appeal was seconded by Commissioner Horgan and unanimously carried.

Chairman Enus asked either Ms. Sinclair or Mr. Spencer to discuss with Ms. Mallison any rights she may have before the EMC. She understood it was management's prerogative to reassign duties, but there could have been more communication relative to how the Welfare Division implemented the reorganization.

VII. Special Reports

Director Greene distributed the 2002 Salary Survey to the Commission and summarized the results.

VIII. Comments by the General Public

None.

IX. Select Date for Next Meeting

Meeting set for June 27, 2003, in Carson City.

X. *Adjournment

Commissioner Read's motion to adjourn the meeting was seconded by Commissioner Horgan and unanimously carried at 11:20 a.m.